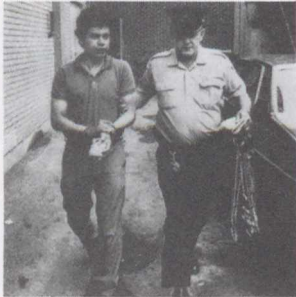


RECOMMENDATION

# 51



## ALLOW ALTERNATIVES TO INCARCERATION FOR OFFENDERS

**Value:** There is value in visible minority communities becoming involved in the administration of justice with regards to the diversion from the courts of accused and speaking to the sentencing of its members who have been convicted of crimes. This is also true in the diversion from the courts of accused and the sentencing of persons convicted of racially motivated crimes or crimes in which racism appeared to be a contributing factor.

**Another Way:** One approach to diversion is to allow for the convicted person to make restitution to the victim of an offense. Reconciliation may also take place at the level of sentencing in which the judge may make a Community Service Order in lieu of incarceration, to be carried out under a Probation Order and the supervision of a probation officer. Such an order specifies a number of hours of community service to be carried out by an offender, the nature of the service and the organization to be served.

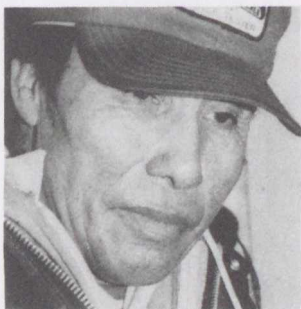
**Work:** Another alternative to incarceration is the Fine Options Program. Under this program, an offender, in lieu of a jail term for not paying a fine, may elect to carry out community work in which his fine is paid off at a rate of pay approximately equal to the minimum hourly wage.

**RECOMMENDATION:**

**Solicitor General Canada should develop initiatives to reduce the number of offenders in correctional institutions by utilizing alternatives to incarceration.**

RECOMMENDATION

# 52



## SUPPORT THE NATIVE COURTWORKER PROGRAM

**A Friend:** Native courtworkers act as a friend of the court and provide paralegal services for native people involved with the legal system. They act as advocates for native defendants to gain fair and equitable treatment from the legal system and to provide the defendant with guidance and information concerning the facts associated with his case when necessary, in the native language of the defendant.

**Facts:** In Alberta, there has been a drop in the percentage of native admissions to Alberta Correctional Institutions from 32.8 per cent in 1968-1969 to 11.3 per cent in 1979-1980. In a program review carried out by Fearn and Krupfer, in 1981 of Native Counselling Service of Alberta (NCSA), the Courtworker program was seen as instrumental in this positive change.

**No Experience:** The NCSA approach has three main target groups for ensuring fair and equitable treatment. They are aboriginal people, personnel in the legal system and the general community. The NCSA assists the families of accused to